

1 SUNNY S. HUO (State Bar No. 181071)  
ssh@severson.com  
2 HEATHER S. EASTWOOD (State Bar No. 251935)  
hse@severson.com  
3 SEVERSON & WERSON  
A Professional Corporation  
4 One Embarcadero Center, Suite 2600  
San Francisco, CA 94111  
5 Telephone: (415) 398-3344  
Facsimile: (415) 956-0439

6 Attorneys for Defendants  
7 BANK OF AMERICA, NATIONAL  
ASSOCIATION and PRLAP, INC.  
8

9 UNITED STATES DISTRICT COURT  
10 NORTHERN DISTRICT OF CALIFORNIA  
11

12 RUSSELL DON HOLTZ,  
13 Plaintiff,

14 vs.

15 BANK OF AMERICA, NATIONAL  
ASSOCIATION, a national banking  
16 association; CAL-WESTERN  
RECONVEYANCE CORPORATION, a  
17 California corporation; PRLAP, INC., a North  
Carolina corporation; and DOES I through 20,  
18 inclusive,

19 Defendants.  
20

Case No.: 5:08-cv-02166-RS

**NOTICE OF MOTION AND MOTION  
TO DISMISS**

Accompanying Documents: Memorandum  
of Points and Authorities; [Proposed] Order

Date: August 6, 2008  
Time: 9:30 a.m.  
Courtroom: 4, 5<sup>th</sup> Floor  
Judge: M.J. Richard Seeborg

Complaint Date: April 25, 2008

21 TO ALL PARTIES AND TO THEIR ATTORNEYS OF RECORD:

22 PLEASE TAKE NOTICE that on Wednesday at August 6, 2008, at 9:30 a.m., in  
23 Courtroom 4 of the above-entitled court located at 280 South 1st Street, San Jose, California,  
24 Defendants Bank of America, National Association ("BofA") and PRLAP, Inc, will move this  
25 Court to dismiss the claims asserted by Plaintiff Russell Don Holtz ("Plaintiff") pursuant to  
26 F.R.C.P. 12 as he fails to state a claim against BofA or PRLAP, Inc.  
27  
28

1 The motion is based on this Notice of Motion, Motion to Dismiss, the attached  
2 Memorandum of Points and Authorities, the accompanying Proposed Order, and the complete  
3 files and records of this action.

4 DATED: June 18, 2008

5 SEVERSON & WERSON  
6 A Professional Corporation

7  
8 By: /s/ Sunny S. Huo  
Sunny S. Huo

9 Attorneys for Defendants  
10 Bank of American, National Association and  
PRLPA, Inc.

11 I hereby attest that I have on file all holograph signatures for any signatures indicated by a  
12 “conformed” signature (/S/) within this efiled document.  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28